

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
VALDOSTA DIVISION**

CHRISTOPHER SINTEL KING,

Plaintiff

v.

JAMES PHILLIPS,

Defendants.

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**Civil Action No.
7:06-CV-57 (HL)**

ORDER

On September 26, 2008, the Court entered an order (Doc. 53) rejecting the Magistrate Judge's Report and Recommendation ("R&R"). The order effectively left pending Plaintiff's Motion for Summary Judgement (Doc. 44) and Motion for Final Judgement (Doc. 48). Therefore, Plaintiff's Motion for Summary Judgement and Motion for Final Judgement are dismissed without prejudice.

The Plaintiff may properly and timely re-file his motions, after which the Magistrate Judge shall give notice to Defendant in accordance with Griffith v. Wainwright, 772 F.2d 882, 825 (11th Cir. 1985) (In a rule 56 motion an adverse party should "be given express, ten-day notice of the summary judgement rules, of his right to file affidavits or other material in opposition to the motion, and the consequences of default.")

SO ORDERED, this the 29th day of September, 2008

s/ Hugh Lawson
HUGH LAWSON, Judge

wjc